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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 17 June 2015 from the Permanent Mission of Sri Lanka to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations in New York presents its compliments to the secretariat of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to forward herewith the second national report of Sri Lanka to the Committee, containing additions and updates to information in our first report, submitted in May 2005, and in a follow-up to that report, submitted in December 2005.

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Annex to the note verbale dated 17 June 2015 from the Permanent Mission of Sri Lanka to the United Nations addressed to the Chair of the Committee

Second national report of Sri Lanka to the Security Council Committee established pursuant to resolution 1540 (2004)

Sri Lanka submitted its first national report in May 2005 (S/AC 44/2004/(02)/118) and an update was submitted in December 2005 (S/AC 44/2004/(02)/118/Add.1). The present report contains additional and updated information on measures taken by Sri Lanka to implement resolution 1540 (2004).

The Government of Sri Lanka has steadfastly and consistently supported global initiatives to prevent the proliferation of weapons of mass destruction. As a country that has experienced and suffered from three decades of ruthless terrorism, and as a nation that has successfully eliminated terrorism from its soil, Sri Lanka fully understands the danger of weapons of mass destruction falling into the hands of non-State actors. Sri Lanka continues to take measures, with the participation of all stakeholders concerned, to implement the resolution.

Since the last report was submitted to the Committee, Sri Lanka has taken the following concrete measures to ensure full implementation of the resolution through domestic legislation and policies:

(a) Sri Lanka ratified the Chemical Weapons Convention in August 1994 and committed itself to measures required to implement the Convention by adopting domestic legislation for the application of the Convention. Sri Lanka enacted the Chemical Weapons Convention Act, No. 58 of 2007, which established the National Authority for the Implementation of the Chemical Weapons Convention under the Ministry of Industry and Commerce. Under the Act, it is an offence to manufacture, use or trade certain toxic chemicals listed in the Convention without the approval of the National Authority. The National Authority serves as the national focal point for effective liaison with the Organization for the Prohibition of Chemical Weapons (OPCW) and other States parties and is responsible for, inter alia, collecting import and export data on scheduled chemicals, inspecting the facilities used for such chemicals and detailing the modalities of registration of persons engaged in the production, processing and transfer of toxic chemicals or their precursors. Furthermore, computer software developed by the National Authority containing data on scheduled chemicals has been made available to customs, the Controller of Imports and to importers and users.

In August 2008, Sri Lanka hosted a regional meeting of representatives of national authorities and parliaments in Asia on the Chemical Weapons Convention. The meeting focused on issues related to the adoption of national legislation to implement the Convention, including the rights and obligations of States parties under the Convention and the legal basis for the control of toxic chemicals and combating illicit trafficking. The meeting was attended by 65 participants, including 26 parliamentarians and 15 national authority representatives from 20 States parties. The Tenth Regional Meeting of National Authorities of States Parties in Asia was held in Colombo in 2012, with the participation of over 50 countries in the Asia-Pacific region. In December 2014, Sri Lanka also hosted a workshop on chemical security and safety for sustainable industrial development for States members of the

South Asian Association for Regional Cooperation. The National Authority regularly conducts awareness programmes and training for chemical industry representatives on the safe and secure use of hazardous and toxic chemicals. The National Authority has also taken measures to incorporate information on chemical weapons and dual-use commodities into the State university curriculum and into diplomas and certificate courses conducted by various government institutes;

(b) Sri Lanka became a party to the Biological Weapons Convention in 1986. Import and export control legislation in force in Sri Lanka on the use of biological and chemical products includes the Import and Export (Control) Act, No. 01 of 1969, which established the Department of Import and Export Control, the Control of Pesticides Act, No. 33 of 1980, and the National Environment Acts, No. 47 of 1980 and No. 56 of 1988. The other relevant amendments made to import and export control legislation include the amendment made to section 03 of the Customs Ordinance in 2007 to empower the Director-General of Customs to seize, forfeit and destroy any goods which are prohibited, restricted and deemed to be contraband, including material concerning weapons of mass destruction;

(c) The Atomic Energy Agency (reconstituted as the Atomic Energy Board pursuant to the Sri Lanka Atomic Energy Act, No. 40 of 2014), established pursuant to Act No. 19 of 1969, is the main institution in Sri Lanka responsible for matters related to nuclear security. With a view to keep pace with advancing technology and emerging trends in the nuclear field, the Government is focusing more on civil applications of nuclear energy in the areas of food and agriculture, human health, industry, radiation safety, environmental protection and development of a nuclear power planning programme. In this context, the Ten-Year Horizon Development Programme is of particular relevance. One of the important objectives of this programme is to develop nuclear science and technology, including nuclear applications, as well as to conform to international standards for nuclear safety and security, including in the areas of emergency response, radioactive waste management and the security of radioactive sources;

(d) Sri Lanka is also in the process of improving and upgrading the existing legal framework to address current national and international legal requirements. In July 2000, Sri Lanka also gazetted the Regulations on Ionizing Radiation Protection of the Atomic Energy Safety Regulations, No. 1 of 1999. This superseded regulations established in 1975. The revised regulations give the Atomic Energy Board the legal authority needed to implement a radiation protection programme to prepare and implement codes of practice and related procedures for radiation protection that satisfies the requirements of the International Basic Safety Standards of the International Atomic Energy Agency;

(e) Sri Lanka, together with over 70 partner States, is a participant in the Proliferation Security Initiative, launched by the Department of State of the United States of America to counter the trafficking and proliferation of weapons of mass destruction and their delivery systems;

(f) Furthermore, the Port of Colombo has also operationalized the Container Security Initiative, a programme that allows officials from United States Customs and Border Protection to examine high-risk maritime cargo at foreign seaports before they are loaded on to vessels destined for the United States. The modernized Port of Colombo is the first port in the region to introduce the "mega-port" concept, under which all outbound and inbound containers are checked to prevent weapons

of mass destruction and radioactive items from being smuggled into and out of Sri Lanka. These initiatives address obligations under paragraphs 3 (c) and 10 of resolution 1540 (2004). In 2013, based on information received, action was taken to suspend the export of a consignment of zircon sand from Sri Lanka in order to ensure that such material would not be used for development of weapons prohibited by Security Council resolutions. This demonstrates the practical measures that have been taken by Sri Lanka to ensure compliance with resolution 1540 (2004);

(g) Sri Lanka is a State party to 12 international conventions aimed at preventing the spread of terrorism and has promulgated the following domestic legislation to give effect to those international instruments:

Convention on Suppression of Terrorism Financing Act, No. 25 of 2005

Prevention of Money Laundering Act, No. 05 of 2006

Financial Transactions Reporting Act, No. 06 of 2006

The Convention on Suppression of Terrorism Financing Act was amended by way of an amendment, Act No. 03 of 2013, in order to adhere to the recommendations of the Financial Action Task Force.

The Government also gazetted the regulations pertaining to Security Council resolutions 1373 (2001) and 1267 (1999) in Extraordinary Gazettes No. 1758/19, dated 5 May 2012, and No. 1760/40, dated 31 May 2012, respectively. Amendments to the said regulations were gazetted in Extraordinary Gazette No. 1892/37, dated 11 December 2014. Furthermore, pursuant to recommendation No. 7 of the Financial Action Task Force, Sri Lanka has taken a policy decision to implement targeted financial sanctions relating to the financing and proliferation of weapons of mass destruction. The first stakeholder meeting in this regard was held on 20 November 2014. Sri Lanka will be implementing the relevant Security Council resolutions relating to financing and proliferation of weapons of mass destruction by way of regulations under the United Nations Act, No. 45 of 1968.

As a member of the Asia Pacific Group on Money Laundering, with strengthened anti-money laundering laws in place, and a financial intelligence unit under the Central Bank established pursuant to the provisions of the Financial Transactions Reporting Act, No. 06 of 2006, Sri Lanka was among the first countries in the Group to undertake a mutual evaluation in December 2014.

Finally, it must be reiterated that Sri Lanka does not produce, possess or import weapons of mass destruction or any delivery system to carry such weapons. Sri Lanka also does not, by any means, facilitate or provide to non-State actors or States any nuclear, biological or chemical material for the production of such weapons or delivery systems.

Sri Lanka will continue to address obligations under resolution 1540 (2004) with serious commitment and in close collaboration with relevant international institutions to achieve the intended purposes of the resolution through increased international cooperation and partnership.

United Nations S/AC.44/2015/5

Security Council

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22 July 2015

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 9 July 2015 from the Permanent Mission of Sao Tome and Principe to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Sao Tome and Principe to the United Nations presents its compliments to the Chair of the Committee established pursuant to resolution 1540 (2004) and has the honour to submit herewith a report on the implementation of resolution 1540 (2004) by the Government of Sao Tome and Principe (see annex).

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Annex to the note verbale dated 9 July 2015 from the Permanent Mission of Sao Tome and Principe to the United Nations addressed to the Chair of the Committee

Report of the Government of Sao Tome and Principe on measures taken to implement Security Council resolution 1540 (2004)

The Democratic Republic of Sao Tome and Principe presents its first report on the measures it has taken and intends to take to implement Security Council resolution 1540 (2004).

The Democratic Republic of Sao Tome and Principe is available to provide any additional clarification.

The Democratic Republic of Sao Tome and Principe considers acts of international terrorism and the use of nuclear, chemical and biological weapons as a scourge to mankind, and is committed to taking possible steps to improve channels of cooperation at bilateral, regional and multilateral levels.

Whereas up to now the Democratic Republic of Sao Tome and Principe has enjoyed an economic and social environment free of terrorist threats, it remains aware of potential risks and threats arising from the increase in global and regional trade security issues.

The Democratic Republic of Sao Tome and Principe does not possess nuclear, chemical or biological weapons, nor their means of delivery, and is committed to the disarmament and non-proliferation of such weapons nationally, regionally and globally.

Paragraphs 1 and 2

The Democratic Republic of Sao Tome and Principe does not provide any support to non-State actors attempting to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons or their means of delivery.

In support of these non-proliferation and related security objectives, the Democratic Republic of Sao Tome and Principe is a State party to the following multilateral arms control and non-proliferation treaties and conventions:

- 1972 Biological Weapons Convention
- 1993 Chemical Weapons Convention
- 1968 Treaty on the Non-Proliferation of Nuclear Weapons

The Democratic Republic of Sao Tome and Principe is a signatory to the Comprehensive Nuclear-Test-Ban Treaty and also to the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty). The Democratic Republic of Sao Tome and Principe will consider their ratification.

Additionally, the Democratic Republic of Sao Tome and Principe is a State party to 10 of the 19 international conventions and protocols on counter-terrorism; those relevant to resolution 1540 (2004) in particular include the following:

- 1997 International Convention for the Suppression of Terrorist Bombings

- 1999 International Convention for the Suppression of the Financing of Terrorism
- International Convention for the Suppression of Acts of Nuclear Terrorism (signatory)

It is to be noted that the Government of Sao Tome and Principe plans to sign and ratify a safeguards agreement with the International Atomic Energy Agency as part of its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons. It will also consider signing and ratifying a small quantities protocol and the Additional Protocol to the Treaty.

In accordance with the Constitution of Sao Tome and Principe, the treaties and conventions to which the Democratic Republic of Sao Tome and Principe is a State party have become part of national law; however, additional legislative or regulatory action is required for further implementation.

Legislation contributing to the implementation of resolution 1540 (2004) includes the Penal Code (approved by Law No. 6/2012), in particular the following articles, which also provide for penalties:

- 321 and 322, prohibiting the exposure of persons (321) and things (322) to radioactive substances
- 323, prohibiting the release of toxic or asphyxiating gases
- 324, prohibiting the manufacture, acquisition, delivery, possession or import of explosives and the manufacture of toxic asphyxiating gases, as well as apparatuses to carry out the crimes indicated in articles 321 and 322
- 333, prohibiting the use of poisons or other harmful substances that contaminate water
- 337, prohibiting the spread of contagious disease to persons
- 338, prohibiting the spread of disease, plague, etc., that cause damage to animals, field crops, plantations or forests
- 359, prohibiting (terrorist) organizations intending to produce a common danger through the release of radioactive substances or toxic or asphyxiating gases, contamination of food and water for human consumption or spread of epidemics
- 360, prohibiting acts of terrorism, including those indicated in article 359
- 375, prohibiting the manufacture, storage, purchase, sale, acquisition, distribution, transport, holding or use of prohibited weapons, devices or explosive substances or substances capable of producing nuclear or radioactive explosions or suited to the manufacture of toxic or asphyxiating gases.

Additionally, Law No. 8/2013 on preventing and combating money laundering and terrorism financing contains relevant provisions. The law updated and amended the provisions of Law No. 15/2008 and Law No. 9/2010 (both repealed by article 55) to give effect to 40 recommendations of the Financial Action Task Force; two recent recommendations concerning non-proliferation will be considered in future legislation. The Democratic Republic of Sao Tome and Principe underwent a mutual evaluation by the Intergovernmental Action Group against Money Laundering in West Africa in May 2013 relating to the fight against money laundering and financing of terrorism.

Reference is also made in Law No. 8/2013 to related or predicate offences, in particular crimes including terrorism and its financing, counterfeiting, trafficking of weapons or nuclear products.

Law No. 15/2008 contained a provision to create the Financial Intelligence Unit subsequently established by Law No. 60/2009. Located in the Ministry of Finance, it began operating in 2009; it is responsible for receiving reports of suspicious financial transactions. The Democratic Republic of Sao Tome and Principe has also applied to become a member of the Egmont Group of Financial Intelligence Units.

It is also important to underline the close cooperation between the different national institutions, such as the National and Judiciary Police as well as the Prosecution Service, in dealing with the issues of terrorism and non-proliferation.

The Democratic Republic of Sao Tome and Principe also has an interministerial Committee of National Emergencies to respond to national crises, such as a natural catastrophe, an epidemic or a national security incident. Its members include the ministries of the interior, civil protection, defence, health and foreign affairs. Its processes and networks of communication could also be used to respond to security incidents pertaining to resolution 1540 (2004).

Efforts have been made to train people to deal with these realities; such training includes, for example, the civil protection training provided under the auspices of the Organization for the Prohibition of Chemical Weapons (OPCW).

Paragraph 3

National Authority

The Democratic Republic of Sao Tome and Principe has created a National Authority to implement the Chemical Weapons Convention and maintain contact with OPCW, and is in the process of expanding it to include implementation requirements of all arms-related treaties so as to harmonize efforts and improve economies of scale.

The National Authority is currently located at the Ministry of Foreign Affairs and Communities in cooperation with the Ministries of Defence and of the Interior.

Members of departments in the Ministry of Civil Protection participated in OPCW seminars on protection and emergency training hosted by Brazil, Portugal and the Netherlands in 2013 and by South Africa in 2014.

The Department of Pharmacy and Drugs in the Ministry of Health is responsible for the registration and licensing of the import and export of poisons and medicines pursuant to Law No. 52/1998. The Democratic Republic of Sao Tome and Principe also has a national strategic plan for 2014-2018 for the pharmaceutical sector.

The Democratic Republic of Sao Tome and Principe is also implementing the International Health Regulations of the World Health Organization.

In the customs and law enforcement area, Decree Law No. 39/2009 contains provisions for the import, export, transit and trans-shipment of cargo that would contribute to the implementation of resolution 1540 (2004). Customs has authority over the storage of warehoused goods that eventually enter the country.

Within our constraints, we intend to consider measures to support institutions and entities which may have a role in securing and protecting chemical and biological items during their production, use, storage, disposal and transport, including during transit and trans-shipment.

For technical support to customs officials at the borders, the Automated System for Customs Data (ASYCUDA World) is used for risk profiling and assessment, including the monitoring of 14 chemical precursors associated with the Chemical Weapons Convention that have their own codes in the Harmonized Commodity Description and Coding System.

Decree 40/99 prohibits the import and export of plants without a phytosanitary certificate. The law also established the Centre of Agronomic Research and Technology within the Ministry of Agriculture. The Centre is the only institution to provide such certificates. The Centre is also mandated to cooperate with Customs and the Directorate of Public Health.

Notwithstanding cooperation on national security issues, the work of the tax police with Customs is mainly about issues related to tariff controls and not to the control of criminal activities.

The Coast Guard is concerned with sea defence, surveillance of criminal activities along the coast, surveillance for national defence and security, and maritime safety. The Democratic Republic of Sao Tome and Principe is also implementing several instruments of the International Maritime Organization, such as the International Ship and Port Facility Security Code.

Paragraph 7

Assistance in this matter has been assured greatly by multilateral efforts, including those of OPCW and a number of other entities and specialized agencies of the United Nations.

In February 2015, the Ministry of Foreign Affairs and Communities of the Democratic Republic of Sao Tome and Principe agreed to the process for preparing and submitting this first report on the implementation of resolution 1540 (2004). Such processes would also be considered with regard to assistance with further implementation of the resolution and related conventions and treaties.

Point of Contact

Pursuant to paragraph 5 of resolution 1810 (2008) and paragraph 13 of resolution 1977 (2011), Sao Tome and Principe provides the following point of contact for communication with the Committee established pursuant to resolution 1540 (2004):

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